

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

COLIN LEE BASHANT,

Plaintiff,

v.

**GENTNER DRUMMOND,
Attorney General,**

Defendant.

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Case No. CIV-23-591-G

ORDER

Plaintiff Colin Lee Bashant, a state prisoner appearing pro se, initiated this civil action on July 7, 2023. On April 15, 2024, the Court dismissed Plaintiff's pleading for failure to state a cognizable claim for relief. *See* Order of Apr. 15, 2024 (Doc. No. 13) (citing 28 U.S.C. § 1915A(b)(1)).

The Court further granted Plaintiff leave to file an amended complaint within twenty-one (21) days of the date of dismissal. The Court expressly advised: "If no such amended complaint is submitted, judgment shall be entered and this matter closed." *Id.* at 3. As of this date, Plaintiff has not submitted an amended complaint or sought leave for additional time to do so.

Under Federal Rule of Civil Procedure 41(b), if a plaintiff "fails to prosecute or to comply with these rules or a court order," the Court may dismiss the action. *See* Fed. R. Civ. P. 41(b). The Tenth Circuit "ha[s] consistently interpreted Rule 41(b) to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute." *Huggins v. Supreme Court of U.S.*, 480 F. App'x 915, 916-17 (10th Cir. 2012) (internal quotation marks

omitted); *see also AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009). If the dismissal is without prejudice, the Court generally need not follow any “particular procedures” in entering the dismissal order. *AdvantEdge Bus. Grp.*, 552 F.3d at 1236; *see also Robledo-Valdez v. Smelser*, 593 F. App’x 771, 775 (10th Cir. 2014).

Plaintiff has had “ample time” to ensure compliance but has instead chosen to disregard the Court’s Order. *Soeken v. Estep*, 270 F. App’x 734, 736 (10th Cir. 2008). Plaintiff’s failure to prosecute this action and to comply with the Court’s Order leaves the Court unable “to achieve an orderly and expeditious” resolution of this action. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962).

CONCLUSION

Accordingly, this action is DISMISSED without prejudice.

A separate judgment shall be entered.

IT IS SO ORDERED this 29th day of July, 2024.



CHARLES B. GOODWIN
United States District Judge